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OCT 27 2005

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2811

PATENT APPLICATION
Attorney Doc. No. 9898-188
Client Ref. No. SS-156559-US-RCE-RCE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mun-Mo JEONG
Serial No.: 10/003,386 Examiner: Gebremariam, Samuel A.
Filed: October 30, 2001 Group Art Unit: 2811
Confirmation No.: 5352
For: SEMICONDUCTOR DEVICE WITH CONTACTS HAVING UNIFORM
CONTACT RESISTANCE AND METHOD FOR MANUFACTURING
THE SAME

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

This review is requested for the reason(s) states on the attached sheet(s). Note: no more than five (5) pages may be provided.


I am the:

- ☐ applicant/inventor
☐ assignee of record of the entire interest
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed)
☒ attorney or agent of record
☐ attorney or agent acting under 37 CFR 1.34

Total of (1) forms are submitted.

Customer No. 20575

Respectfully submitted,
MARGER JOHNSON & McCOLLOM, P.C.



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571-273-8300, on October 27, 2005.


Li Mei Vermilya

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ARGUMENTS IN SUPPORT OF PRE-APPEAL BRIEF CONFERENCE

In the Final Office Action, dated July 27, 2005, the Examiner makes two clear errors in the Examiner's rejections. First, the Examiner erroneously argues that Urano JP patent No. 11077507 ("Urano") discloses the removing of an etching stopper by performing a dry etching method using an etchant having a low etching selectivity between the etching stopper and a capping layer. Urano does not disclose this recited method of removing the etching stopper.

Second, the Examiner erroneously argues that combining the Admitted Prior Art ("APA") with Urano teaches that the interconnection layer, capping layer and etching stopper are formed by sequentially depositing a first interconnection layer, a second capping layer and a third etching stopper layer, patterning the third layer and then patterning the second and first layers using the patterned third layer. Urano does not disclose patterning the underlying first and second layers. As was cleared up in an Examiner Interview performed on October 13, 2004 and summarized on page 6 of the Applicant's Amendment filed on October 26, 2004, the APA does not disclose patterning the first and second layers by using a patterned third layer.

With respect to the element of using an etchant having a low etching selectivity between the etching stopper and the capping layer, the Examiner's arguments rely upon the Application Serial No. 10/003,386 1 of 2 Attorney Docket No. 9898-188

text of the abstract of Urano. The Examiner states that Urano teaches the use of reaction ion etching having a sufficient selective ratio. The etching having the sufficient selection ration, however, is in reference to Fig. b in Urano where the etching is being performed to remove the insulation film 3 until the nitride film 8, the etching stopper, is exposed. Urano makes no mention regarding the selectivity of the etchant used to etch the nitride film 8.

With respect to the patterning of the first and second layers using a patterned third layer, as noted above and by the Examiner in the Final Office Action, the APA does not teach the recited patterning. Urano also fails to disclose the recited patterning because Urano does not pattern the antireflection film 2 (the capping layer) or the Al wiring layer 1 (the interconnection layer).

Both of these elements are recited in the two independent claims 1 and 26. Thus, the Examiner clearly erred in his rejections of independent claims 1 and 26 and because of these errors fails to present a *prima facie* case of obviousness with respect to these claims.

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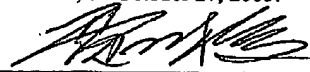
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